

NEW JERSEY TAX CASE IN SUPREME COURT

Whether a State Can Tax a Motorist
Road Traveler From Another
State Is Question.

THREE VIOLATIONS CHARGED
Car Owners' Organization Makes
Fight In Behalf of Frank J. Kane,
Fined for Not Registering Car and
Not Paying the Tax Imposed.

WASHINGTON, D. C., November 11.—Whether a State can tax a motorist road traveler from another State for the use of its roads will be decided in the near future by the United States Supreme Court, the argument for the so-called New Jersey test case prepared jointly by the American Automobile Association and the National Automobile Chamber of Commerce having been presented on the last day of October to the highest court in the land. John W. Griggs, former Attorney General of the United States, was the spokesman for the owners' organization and Charles Thaddeus Terry, appeared for the car makers. The case of Frank J. Kane vs. the State of New Jersey was based on the interstate journey of the plaintiff from New York to Pennsylvania, he being convicted and fined for a violation of three provisions of the New Jersey law. First, that he had failed to register his automobile in New Jersey; second, that he failed to pay the tax imposed on non-residents; and, third, that he failed to file with the Secretary of State a power of attorney.

Argument of Attorneys.
The argument presented by Messrs. Griggs and Terry set forth these contentions:

One, it being admitted in the record that the fees charged for the operation of automobiles over the highways of New Jersey result in a large surplus revenue to the State over and above the expenses of examination, licensing, registering and inspecting the automobiles, the charge for the use of the highways is a tax which is not in conformity with proper tax laws in that the motor vehicle is burdened with a heavy impost, irrespective of its value, whereas other property is taxed only according to its value.

Two, The so-called "license fee" being in reality a tax as shown by point 17, is unreasonable and void as such tax, because, even assuming that it is a charge for the use of a special facility, to wit, the improved roads furnished by the State of New Jersey, it is unreasonable because a license fee, charged, irrespective of the question how much or to what extent the automobile uses the roads. For example, the same fee is charged for the right of the automobile to go from the Ferry Landing to the Hudson river, a "Transatlantic liner," which is just a few hundred yards, as is charged to the automobile which traverses the roads of the State for a whole year, covering thousands of miles. Therefore, the charge is inequitable, disproportionate and not upon any scientific or logical basis, and, therefore, improper and illegal.

Third, The improved roads of a State are not a "special facility" afforded by the State to automobiles, but their construction and presentation to the public are simply governmental functions which should be paid for out of the general tax fund in the same way that the police force and the fire department are afforded for the use of all the citizens irrespective of the amount of use. Therefore, the special charge or impost can be levied for their use to any particular class of users.

Law Is Discriminatory.
Fourth, That the law is discriminatory and class legislation in that even assuming that the "license fee" is a charge for the use of the roads, it is not imposed equally upon all the users of the roads. Horse-drawn vehicles use the roads and use up and destroy the roads in a large degree, and, therefore, if the tax were to be an equal and uniform tax, it must be imposed upon horse-drawn vehicles, as well as upon automobiles.

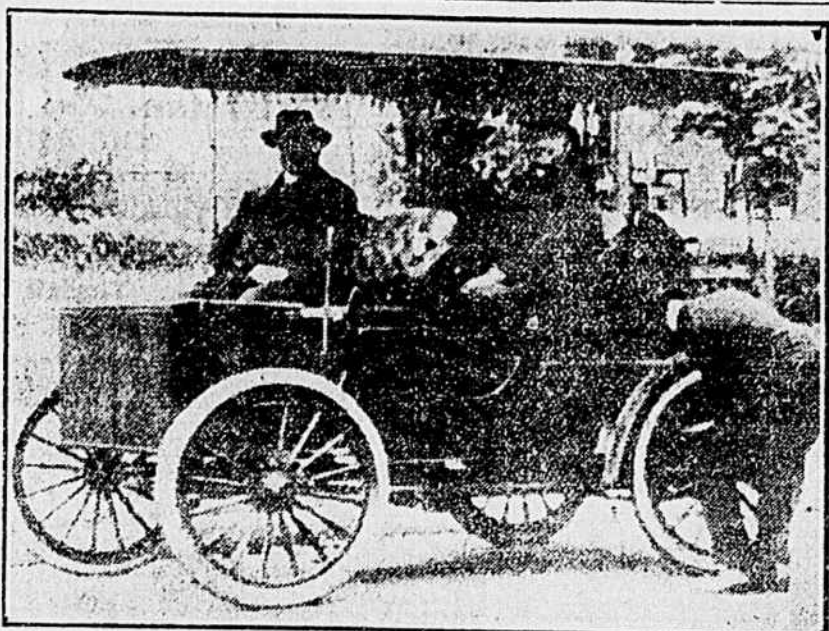
Fifth, The requirement that before any nonresident shall use the highways of the State, he must file a power of attorney with the Secretary of State, and authorize such secretary to receive service of process for him, is ousting him of his domicile and imposing a requirement which is not imposed upon any other class of nonresident citizens of the United States going into the State of New Jersey. It is assuming in advance that the automobile user is likely to commit a criminal act which is absurd on the face of it. He is no more likely to commit a criminal act than any other nonresident entering the State of New Jersey, and even if he were, such a method of enforcing the criminal law is unknown to our jurisprudence.

Sixth, The requirement of a power of attorney from nonresidents and the imposition of a tax upon nonresidents and the requirement that before the highways shall be used by nonresidents they shall make application and take out registration, are burdens on interstate commerce, which the Constitution of the United States forbids under the fourteenth amendment thereof.

Sparks From Motorland
Events of Week on Automobile Row.

J. A. Kline, of the Kline Motor Car Corporation, returned to Richmond last week from a business trip to New York and Philadelphia. Mr. Kline was successful in closing several large distributing contracts for the Kline car.

Cranking Up 1897 Haynes Car



JEFFERSON, IND., November 11.—James E. Howard, a prominent business man of this city, believes that he possesses the oldest set of pneumatic automobile tires in existence. In 1897 his father bought a Haynes "horseless carriage." Its buggy wheels were equipped with diamond single tube tires. These original tires gave service until a short time ago, when new tires, replicas of the old, were made up special by the Diamond factory. If any one else has any pneumatic tires that are as old, or have given nearly twenty years of service as have these tires, Mr. Howard would like to know it.

Some of the recent deliveries made by the Terminal Motor Company of this company are as follows: W. H. Thomas, Graham, touring car; W. H. Boxley, Gibson, Shamrock roadster; W. C. Farham, Latta, S. C. Pithers, Harrison Auto Company, Baltimore; Glasgow Auto Distributing Company, Littleton, N. C. and the Kline Car Sales Company, New York City.

Announcement has just been made by the Terminal Motor Company of the appointment of L. H. de Graaf as retail sales manager of the company. Mr. de Graaf is well known in local automobile circles, having been connected with the Kessler Motor Company and manager of the Richmond branch of the Kessler Sales Company. The Terminal Motor Company handles the Hupmobile and Best pleasure cars, and the Auto car and Kelly-Springfield trucks.

Announcement is made that, effective December 1, the Chandler Six will advance its selling price. The Chandler factory states that the production cost of the car has advanced 15.1 per cent, and says that the higher selling price is the result.

"Monte" Stone, of Buick fame, is the proud owner of a small-sized menagerie. A big black bear, which by the way was the cause of its owner being haled to the Police Court to face Justice J. J. Crutcher the other day.

Business expansion has forced the Talmor Auto Supply Company to seek additional space, and arrangements have just been completed by which they will occupy the adjoining store building. The new building will give 100 per cent more store-room.

"Have you seen the green Pathfinder roadster about town?" was the remark heard on Main Street yesterday.

"Yes, it's some beauty" was the rejoinder.

J. Fauntleroy, territory sales manager of the Kessler Motor Company, returned last week from a trip throughout the eastern section of Virginia, and reported business as being decidedly good in this section of the State, in practically all lines.

A well-dressed, good-looking piece of workmanship will make its appearance in Richmond in the next few days. It is a handsomely finished automobile.

"Billie" Wood, well known to Richmond's sporting fraternity, and in banking circles, is now connected with the Universal Motor Company in the capacity of office manager.

A well-dressed, good-looking piece of workmanship will make its appearance in Richmond in the next few days. It is a handsomely finished automobile.

COBURN MOTOR SALES CORPORATION
521 East Main Street.

Right Now
—you can buy the Studebaker Six for \$1085. December 1st the price goes up a hundred dollars or more. We have a limited number of Studebakers at the old price. See us at once.

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521 East Main Street.

Count Terauchi as Premier is regarded by the public of Japan as representing merely the determination of the aristocratic leaders that their favorites shall enjoy the leaves and fishes which they have been deprived of during two years of the Okuma government.

The event illustrates how thin is the veneer of constitutionalism overlaid on the old fabric of personal rule. The Okuma ministry was in sound health. It had made no bad breaks, and the conclusion of the Russian alliance was a distinct triumph. It was endorsed by a huge majority of the voters last year, and its policies were not completed. In fact, the most popular of them, reduction of taxation, had not begun. It had exhausted neither its mandate nor its popularity. In its evicting for no apparent cause you have one of the recurrent anomalies of Japanese politics. The manner of its disappearance evidences an extreme contempt for the theory and practice of constitutionalism.

Marquis Okuma specifically recommended to the Emperor that Viscount Takaaki Kato should succeed him, Kato being the leader of the majority party and the strongest man on the Okuma side of politics. The fact that these recommendations were made public was read as meaning that all was cut and dried, for it was not supposed that Kato and Okuma would expose themselves to a direct slight implied in refusal, and it was not believed that the aristocrats would openly flout constitutional principles when they were directly challenged.

Okuma went to the palace in the morning and tendered his resignation and recommendation. The Emperor, working by precedent, sent for the Elder Statesmen and asked their advice. They were waiting in the palace in expectation of the summons and their advice was at once given—to send for Terauchi. Marshal Terauchi was ready, and almost before the public knew there was a crisis the cabinet was out of office and Terauchi was Premier.

OKUMA NOT COMPELLED TO RETIRE FROM OFFICE

The question now is asked whether Okuma has not "sold the pass." No one can gauge the strength of the behind-the-scenes forces which dominate Japanese politics, but the old man has been a fighter for constitutional principles all his life and he was in a good position to make an exceptional fight for them now. He was under no compulsion to retire, and it is not easy to see why he did not obtain guarantees before he quit. It is much to be regretted that Marquis Okuma desires to be made an Elder Statesman himself, and that in anticipation of this reward, he feigned Kato and his party.

The new ministry had a very hostile press. All the Tokyo papers, with one exception, have denounced it as a blow to constitutionalism. If the parties in the elected House had the will they could destroy it, but the chances are that the ministry will win over a sufficient number of supporters to carry out its program. If the members are obstinate, an election can be ordered and the party in power always wins in Japan. But the few people who really care for representative government are disgusted, and it seems a safe prediction that the Terauchi government will have a rough passage when the Diet assembles next month.

MILITARY PARTY, LED BY TERAUCHI, NOW IN CONTROL

(Continued from First Page.)
no control over the army. Officers in Manchuria and Mongolia were apt to do as they pleased.

Their high-handed and irresponsible methods were the cause of several of the recent incidents which made blood between Japan and China.

CAN ENFORCE WILL WITH THE ARMY

Terauchi can enforce his will with the army, and if the government really desires it there will be an end of encroachments and clashes in Mongolia. On the other hand, it is undeniable that the old ministry was, in the main, composed of men who were pacific and desired to stand well with America. The new Cabinet is the mouthpiece of the bellicose elements and several of its members are known to take strong views on the California question.

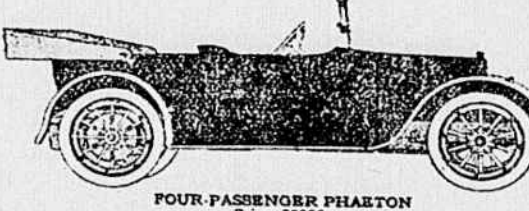
Japanese policy, however, in its main lines, is laid down by real leaders of the empire, not by the ministries of the hour, and the appointment of

losses were terrible. Later strong detachments tried to make their way back supported by big guns. Lined up across the road, and gave them hot time. Every time they tried to rush through we ripped their ranks to bits. At last they gave it up.

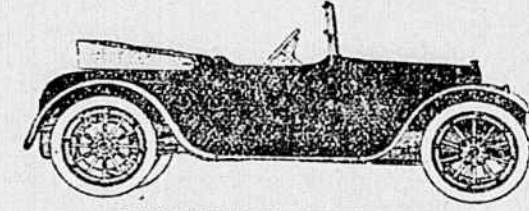
Sunday—Fritz got fit. No fight left in him. Prisoners scared to death. Some of them acted as though they believed that we used our tanks for making sausages out of prisoners. We had a lot of trouble explaining that once they surrendered they were safe. Finished an exciting week. Got plenty of fun, but one wants a good rest after a spell with a tank.

FOR SALE NEW BUICK LIGHT SIX

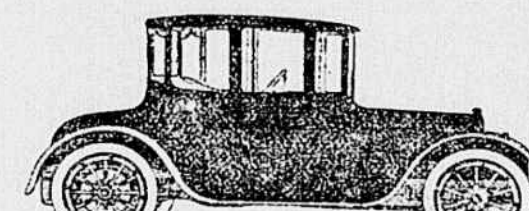
Greatly Reduced in Price.
A. EDLOE DONNAN, Jr.,
614 East Main.



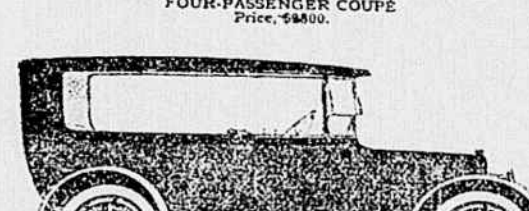
FOUR-PASSENGER PHAETON
Price, \$2080.



FOUR-PASSENGER CLUB ROADSTER
Price, \$2080.



FOUR-PASSENGER COUPE
Price, \$2400.



SEVEN-PASSENGER CONVERTIBLE (Open)
Price, \$2675.

*Intrinsic Value
Performance Value
Social Value*
**In all three the
Eight Cylinder
CADILLAC
is America's one
incomparable
motor car**

*Demonstration
By Appointment.*
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in writing
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